

ACTION WHA-00 RELEASED IN PART UNCLASSIFIED
 B1, 1.4(D)

INFO	LOG-00	NP-00	AID-00	AMAD-00	CIAE-00	INL-00	DODE-00
	DOEE-00	SRPP-00	DS-00	EB-00	EUR-00	H-00	TEDE-00
	INR-00	IO-00	LAB-01	L-00	AC-00	NSAE-00	OIC-00
	PA-00	PRS-00	ACE-00	P-00	SP-00	STR-00	TRSE-00
	USIE-00	DSCC-00	PRM-00	DRL-00	G-00	NFAT-00	SAS-00
	/001W						

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R 192150Z MAR 04
 FM AMEMBASSY CARACAS
 TO SECSTATE WASHDC 5501
 INFO AMEMBASSY BOGOTA
 AMEMBASSY BRASILIA
 AMEMBASSY LISBON
 AMEMBASSY MADRID
 AMEMBASSY MEXICO
 AMEMBASSY SANTIAGO
 NSC WASHDC
 USCINCSO MIAMI FL

C O N F I D E N T I A L CARACAS 000950

NSC FOR CBARTON
 USCINCSO ALSO FOR POLAD
 STATE PASS USAID DCHA/OTI FOR RPORTER

E.O. 12958: DECL: 03/18/2014
 TAGS: PGOV, PHUM, VE
 SUBJECT: WANTED: BARUTA MAYOR, FOR INCITING CROWD AT CUBAN
 EMBASSY IN 2002

REF: A. CARACAS 00651
 B. 2003 CARACAS 01745

Classified By: Abelardo A. Arias, Political Counselor, for reasons 1.4
 (B) and (D)

 Summary

1. (C) Baruta Mayor Henrique Capriles Radonsky said March 18 he will not present himself to the court as summoned until after he sees the case file alleging his involvement with a violent protest at the Cuban Embassy April 12, 2002. The court has refused Capriles' lawyers access to the case file and issued an arrest warrant for him March 16. Although Capriles' case predates the most recent opposition protests,

UNITED STATES DEPARTMENT OF STATE
 REVIEW AUTHORITY: APPEALS REVIEW PANEL
 CLASSIFICATION: CONFIDENTIAL REASON: 1.4(D)
 DECLASSIFY AFTER: 18 MAR 2009
 APPEAL ACTION: ORIGINAL DECISION UPHELD
 REASON(S): B1, 1.4(D)
 DATE/CASE ID: 21 SEP 2007 200404750

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UNITED STATES DEPARTMENT OF STATE
 REVIEW AUTHORITY: MELVIN E SINK
 DATE/CASE ID: 30 JUN 2005 200404750

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he may be the first elected opposition leader to face charges in their aftermath. End Summary.

Come Out With Your Hands Tied: Mayor Leery of GOV Justice

2. (U) Prosecutor Danilo Anderson successfully petitioned for an arrest warrant March 16 for Baruta Mayor Henrique Capriles Radonsky. Capriles is accused of alleged criminal acts such as "violating international principles, private violence and abuse of office" during mob protests at the Cuban Embassy April 12, 2002. Anderson argued that Capriles' failure to respond to three summons issued November 28, 2002, January 6, 2003, and March 7, 2003 made him a flight risk. Judge Jose Ramon Flores (40th Control Court) granted the warrant later on March 16 and assigned it to the National Investigative Police (CICPC).

Good Cop/Bad Cop Prosecutor Plays Keep Away With Case File

3. (U) Anderson outlined the alleged offenses to reporters March 17. He denied Capriles was a political target and said the Mayor's attorneys should have access to his file to understand the charges. He said the judge would bring representatives of the defense and prosecution together to determine if the charges were serious enough to detail Capriles pending trial. Anderson later warned Capriles to turn himself in, and stated he didn't need to show Capriles' attorneys his file before Capriles presented himself to the court.

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Was the Mayor Peacemaker or Instigator?

5. (C) During the events of April 11-14, when President Chavez briefly lost power, an angry crowd gathered in front the Cuban Embassy in Baruta looking for a pro-GOV leaders suspected of hiding inside. The crowd damaged embassy vehicles and cut electricity and water lines. Mayor Capriles told [redacted] he entered the Embassy to restore calm and disperse the crowd, but has been portrayed as instigating violence by the GOV-run television channel. Newspapers at

the time reported that Capriles, Chacao Mayor Leopoldo Lopez, and former Chief of the Metropolitan Police Henry Vivas went to the Cuban Embassy to determine if GOV officials were seeking asylum.

6. (U) The Cuban Embassy in Caracas released a statement supporting the investigation and denying Borges' contention that Cuban Ambassador German Sanchez Otero asked Capriles to mediate April 12, 2002, and had praised him for doing so. It also asserted that "terrorist and fascist groups" vandalized the Embassy while Capriles' police watched, under orders not to interfere. Capriles responded to the Cuban note saying the Ambassador lacked "the honesty to say what really happened." Capriles contended he was only guilty of having differences with the GOV.

Comment

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